

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

MD BEVCO, INC. DBA MAD DOGS SAN	§	REMOVED FROM CAUSE NO.
ANTONIO; CRAZY SAM’S SEAFOOD,	§	2020CI11466
INC. DBA BIER GARTEN; MD SPORTS	§	166 <sup>TH</sup> JUDICIAL DISTRICT
PUB, INC. AND MD RIVERWALK, LLC	§	BEXAR COUNTY
DBA ON THE BEND,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
VS.	§	Civil Action No. 5:20-CV-899-FB
	§	
THE CINCINNATI INDEMNITY	§	
COMPANY AND JONATHAN ANDREW	§	
MALISH	§	
	§	
<i>Defendants.</i>	§	

**PLAINTIFFS' OPPOSED MOTION FOR LEAVE TO FILE SUPPLEMENTAL  
AUTHORITY IN SUPPORT OF MOTION TO REMAND**

NOW COME Plaintiffs MD Bevco, Inc. dba Mad Dogs San Antonio; Crazy Sam's Seafood, Inc. dba Bier Garten; MD Sports Pub, Inc.; and MD Riverwalk, LLC dba On the Bend and respectfully submits this Motion for Leave to file Supplemental Authority in support of their Opposed Motion to Remand [ECF Doc. 14].

1. On September 11, 2020, the Honorable Jason Pulliam in Western District of Texas San Antonio Division granted Plaintiff's Opposed Motion to Remand on substantially similar claims against its insurer and its adjuster brought by a dental office seeking to recover for losses incurred as the result of the COVID-19 pandemic and government stay-at-home orders issued in response to the COVID-19 pandemic. *See Preferred Dental Center, PC v. Twin City Fire*


*Insurance Company and Eric Randall Franklin*, Case No. 5:20-cv-837-JKP, Doc. 27. See attached Exhibit A.

2. Th Court held that plaintiff adequately pled a cause of action against the insurance adjuster – allegations similar to the ones alleged in this case against Defendant Malish. *Id.* at pp. 6-7.

3. Plaintiffs respectfully request that the Court grant their Motion for Leave and allow this supplemental authority to be considered for their Motion to Remand.

Respectfully submitted,

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BY:   
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ATTORNEY FOR PLAINTIFFS

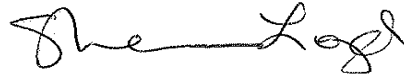
**CERTIFICATE OF CONFERENCE**

Plaintiffs' counsel attempted to confer with counsel for Defendant The Cincinnati Indemnity Company regarding the subject of this Motion, and as of this filing, The Cincinnati Indemnity Company's attorney has not responded. Therefore, Plaintiffs assume the Motion is opposed.

  
SHANNON E. LOYD

**CERTIFICATE OF SERVICE**

I hereby certify that on this 14<sup>th</sup> day of September, 2020, I filed a true and correct copy of the above and foregoing instrument on the Court's CM/ECF system, which served notice on all counsel of record.

A handwritten signature in black ink, appearing to read "Shannon E. Loyd", written in a cursive style.

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SHANNON E. LOYD